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International Convention on the Elimination of All Forms of Racial Discrimination

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Committee on the Elimination of Racial Discrimination

Consideration of reports submitted by States parties under article 9 of the Convention

Twenty-first to twenty-third periodic reports of States parties due in 2015

Canada*

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I. Introduction

1. The present report outlines key measures adopted in Canada to enhance the implementation of the *International Convention on the Elimination of All Forms of Racial Discrimination* (ICERD) since its appearance before the United Nations (UN) Committee on the Elimination of Racial Discrimination in February 2012. The report was prepared collaboratively by federal, provincial and territorial (F-P/T) governments.

2. In general, information that can be found in other reports submitted by Canada is not repeated in this report; references are added as appropriate. This includes Canada's Common Core Document and the Interim Report submitted in 2014 at the request of the Committee on Concluding Observations 16, 17, 19 and 21.

3. Any reference to "the Government of Canada" in this report is a reference to the Canadian federal government, while a reference to "Canada" is generally a reference to the federal, provincial and territorial governments combined. Furthermore, any reference to the provinces or territories, for example, Quebec, Manitoba or the Yukon, is generally a reference to their government.

II. Overarching Implementation Considerations

4. This section of the report focuses on Concluding Observations 7, 9, 13, 22, 26 and 27, and contains information related to the Canada's demographic context and its overarching approach to combating racial discrimination and to promoting equality for Canadians of all races and ethnicities.

Demographic context

5. According to the 2006 Census, Indigenous people accounted for 3.8% of the total Canadian population. In the 2011 National Household Survey (NHS), 1,400,685 people reported an Indigenous identity representing 4.3% of the total Canadian population. Of these, 851,560, or 60.8%, identified as First Nations (North American Indian) only. Another 451,795, or 32.3%, identified as Métis only; and 59,445, or 4.2%, identified as Inuit only.

6. In 2011, Canada had a foreign-born population of about 6,775,800 people, representing 20.6% of the total population. Between 2006 and 2011, around 1,162,900 foreign-born people immigrated to Canada. These recent immigrants made up 17.2% of the foreign-born population and 3.5% of the total population in Canada.

7. More than 200 ethnic origins were reported by respondents to the NHS. In 2011, 57.9% of the population reported one ethnic origin and the rest, 42.1%, reported more than one origin. Nearly 6,264,800 people identified themselves as a member of a visible minority group. They represented about 1 out of every 5 people (19.1%) in Canada's total population. The data showed that visible minorities accounted for 78.0% of the immigrants who arrived between 2006 and 2011, 76.7% of those who arrived in the previous five-year period and 74.8% of immigrants who arrived in the 1990s.

8. Combined, the three largest visible minority groups — South Asians, Chinese and Blacks — accounted for 61.3% of the visible minority population in 2011. They were followed by Filipinos, Latin Americans, Arabs, Southeast Asians, West Asians, Koreans and Japanese.

9. Just under 945,700 individuals identified themselves as Blacks. They made up 15.1% of the visible minority population and 2.9% of the total population. In 2011, 29.8% of individuals identifying themselves as Blacks reported multiple ethnic origins. The top ancestral origins were Caribbean and African such as Jamaican (22.8%), Haitian (13.9%) and Somali (4.4%). These origins were reported either alone or with other origins. There were also individuals who reported British Isles (10.9%), Canadian (10.8%) and French (4.3%) origins.

Federal, provincial and territorial mechanisms to combat racial discrimination

10. Canada has a strong legal and policy framework to combat racial discrimination and to advance substantive equality. This framework includes prohibitions on discrimination and intolerance in the *Canadian Charter of Rights and Freedoms*, the *Criminal Code*, and F-P/T human rights statutes. In particular, the *Canadian Multiculturalism Act* recognizes diversity as a fundamental characteristic of Canadian society; encourages institutions to be respectful and inclusive of Canada's multicultural character; and makes a commitment to promote the full and equitable participation of individuals of all origins and to eliminate barriers to that participation.

11. Canada also has a wide range of measures to promote diversity and inclusion, such as: employment equity legislation, policies, programs and services at the F-P/T levels. At the same time, Canada takes special measures, where necessary, to advance substantive equality for certain groups, most notably for Indigenous peoples who have suffered particular disadvantage.

12. For more information on F-P/T measures, see paragraphs 164-168 and 170 of Canada's Common Core Document. More examples are provided throughout this report.

Combatting racist violence

13. In 2013, there were 585 incidents of police-reported hate crimes motivated by race or ethnicity, which represents a 17% decline in such incidents from the previous year. The black population is the most highly targeted group among these incidents, amounting to 44% of racial hate crimes. Hate crimes targeting East and Southeast Asian populations comprised 10% of racial hate crimes, followed by those targeting South Asian (9%), Arab and West Asian (8%) and Indigenous (5%) populations.

14. Acts of violence, by individuals acting alone or as members of a group, are prohibited by a number of criminal offences, while the motivation behind a crime can be taken into account during sentencing. The *Criminal Code* requires judges to consider, as an aggravating circumstance in sentencing, any evidence that a crime was motivated by bias, prejudice or hate based on grounds including race, colour, religion, and national or ethnic origin. It is also a specific crime to vandalize or damage property primarily used for religious worship, if the action is motivated by bias, prejudice or hate based on religion, race, colour or national or ethnic origin.

15. As explained in detail in Canada's 19th and 20th Reports on ICERD, the *Criminal Code* has three hate propaganda offences: advocating or promoting genocide against an identifiable group, inciting hatred against an identifiable group in a public place likely to lead to a breach of the peace, and willfully promoting hatred against an identifiable group. The Code defines an identifiable group as "any section of the public distinguished by colour, race, religion, national or ethnic origin, age, sex, sexual orientation, or mental or physical disability."

16. In 2015, the Government of Quebec tabled the Bill to enact the Act to prevent and combat hate speech and speech inciting violence and to amend various legislative provisions to better protect individuals. The Bill provides for the prohibition of hate speech and speech inciting violence that are engaged in or disseminated publicly and that target a group of people sharing a common characteristic identified as prohibited grounds for discrimination under the *Québec Charter of Human Rights and Freedoms*. The Bill is still under review.

Commemoration activities

17. Over the past number of years and moving forward, Canada has made concerted efforts to recognize the contributions of African Canadians, other ethnocultural communities as well as Indigenous peoples to Canadian society.

The War of 1812 and World Wars

18. To commemorate the role of Indigenous peoples and ethnocultural communities, including African Canadians, during the War of 1812 and the World Wars, the Government of Canada has:

- Launched the World War Commemorations Community Fund in 2015, with preference accorded to funding proposals that highlighted the contributions of Indigenous peoples and ethnocultural communities and/or involved Indigenous and ethnocultural communities in their delivery.
- Developed two website portals that provide Canadians with information regarding the historical contributions of Indigenous peoples and ethnocultural communities, including African Canadians, during the War of 1812 and the World Wars respectively, with pages that include archival data, images and related links.
- Involved the participation of Indigenous Veterans organizations in all its events related to the World Wars.
- Created a dedicated on-line Exhibit: *Indigenous Contributions to the War of 1812* and produced postcards on some of the key Indigenous figures of the war.
- Highlighted the role of African Canadians in the War of 1812 during activities to celebrate Black History Month in February 2012.
- Presented medals to 48 First Nation and Métis communities whose ancestors played a role in the War of 1812 at a National Recognition Ceremony that took place in October 2012, at the Governor General's residence. These medals were based on the original medal design from military banners and medals that had been presented at the end of the War to Indigenous groups who had fought alongside British forces.

Black Loyalists

19. Between 1783 and 1785, more than 3000 Black persons came to settle in the provinces of Prince Edward Island, Nova Scotia and New Brunswick as a direct result of the American Revolution. To commemorate these Black Loyalists, in 2015, the Government of Nova Scotia opened a new provincial museum called the Black Loyalist Heritage Centre. In line with the *Renewed Cultural Policy for New Brunswick*, commemoration activities have also been taking place to mark the arrival and contribution of the Black Loyalists to the province.

Consultations with civil society and Indigenous organizations

20. The views of more approximately 175 civil society and Indigenous Organizations were sought with respect to the issues to be covered in this report and four written submissions were received and carefully considered.

21. More information on consultation initiatives can be found throughout this report.

Availability of reports and Concluding Observations

22. Canada's reports to UN human rights treaty bodies and the Concluding Observations issued to Canada are available to the public through the Government of Canada website. F-P/T governments also distribute these materials within their respective organizations.

III. Ethnocultural Groups

23. This section contains information regarding the social, economic and cultural rights of ethnocultural groups, including African Canadians, and changes to Canada's asylum system. It focuses on Concluding Observations 16 and 15.

Ethnocultural groups, including African Canadians

24. Canada already provided substantial information in response to recommendation 16 in its 2014 Interim report (paragraphs 5-75). The following is meant to update and complement the information already provided.

Education

25. In addition to the implementation measures in its school integration and intercultural education policy that aim to support the success of immigrant students, the Government of Quebec has taken specific steps to encourage the success of African Canadian students, including:

- The production of an educational publication that highlights the contribution of African Canadians to the history and development of Quebec society, which is offered to schools as supplementary learning material; and
- The organization of intercultural awareness activities in the schools by the Black History Month Round Table.

26. Quebec's measures have contributed to a noticeable improvement in the academic success of African-Canadian students. For example, 42.6% of young Quebec students from the Caribbean or Bermuda, who began high school in 1994-1995, earned a high school diploma seven years later. Nearly a decade later, 60.6% of students born in the Caribbean or Bermuda, who began high school in 2005-2006, earned their high school diploma or qualification seven years later.

27. The Government of Ontario's Equity and Inclusive Education Strategy aims to help the education community identify and remove discriminatory biases and systemic barriers in order to support student achievement and well-being. In support of the Strategy's implementation, Ontario has funded a diverse range of initiatives, such as the development of an Afrocentric resource to assist teachers to engage students and support student learning.

28. In 2015, Ontario invested $752,800, over three years, to help implement and evaluate a program designed to reduce the high school dropout rate of Somali youth in Toronto. The program will provide youth with mentors, who will support students with individualized learning plans, monitor academic performance and classroom attendance, and work with teachers to support student success. A Somali-speaking project coordinator will also work with parents to reinforce classroom learning.

29. Nova Scotia has a dedicated African Canadian Services Division within its education ministry that develops, promotes and delivers programs, resources and services for African Nova Scotian students. It advises and guides the provincial government regarding African Canadian Education, promotes understanding of African Canadians and their history, heritage, culture, traditions and contributions to society, ensures African Canadian students have greater access to post-secondary institutions, and works with staff to address systemic racism and discrimination by facilitating implementation of Nova Scotia's Racial Equity Policy.

Integration

30. F-P/T governments have a variety of settlement and integration initiatives in place to support immigrants to Canada. These efforts are designed to mitigate the difficulties encountered by immigrants (e.g. foreign credential recognition, language barriers, etc.) and help them fully engage in all aspects of Canadian life, and to maximize the benefits of their participation and contribution to Canadian society.

31. In 2015-2016, federal funding for the Settlement Program outside of Quebec was $588.6 million. The Government of Canada's Settlement Program assists immigrants and refugees at the pre-and post-arrival stages to overcome settlement barriers so they can find employment and establish themselves and their families in Canadian communities. The Program has four areas: information and orientation; language training and skills development; labour market access; and, welcoming communities.

32. Quebec's Support for the integration of cultural communities and intercultural education at the CEGEP level program supports college teaching establishments that organize socio-pedagogical or socio-cultural activities that target one of the following three objectives:

- Supporting the arrival and integration of Quebec students from ethnic communities; raising the awareness of all CEGEP students of the issues concerning rights education and intercultural education;
- Encouraging learning about other cultures; and
- Developing attitudes of openness and mutual respect among students and staff.

33. In 2014-2015, 82,642 immigrants in Quebec accessed a variety of public employment services to help them integrate in the workforce:

- The Québec Pluriel mentoring program, designed to support the professional integration of young members of cultural communities and visible minority groups. In 2014-2015, the program supported 156 mentoring pairs.
- The Employment Integration Program for Immigrants and Visible Minorities helps immigrants and visible minorities during their first work experience in their trade or occupation. In 2014-2015, the program supported 876 participants.
- The French framework program for adult immigrants in Quebec, seeking to improve the French language competency of participants.

- The recognition of acquired competencies, helping individuals obtain official recognition of the competencies associated with a program of study or with certain of its components through certification by the Quebec department of education and advanced learning or by other educational establishments.

34. Ontario funds over 90 community-based not-for-profit organizations through the Newcomer Settlement Program (NSP). Annually, approximately 80,000 newcomers receive services funded under the NSP. Settlement services are provided in over 90 languages to newcomers from about 100 countries in more than 30 communities across the province. The NSP also allows for initiatives such as enhancing services for vulnerable populations and under-served communities (e.g., programming for Somali and Roma youth and skill development programming for low skilled and isolated immigrant women).

35. Ontario also offers Adult non-credit English and French as a second language training program to about 70,000 adult immigrants each year, whose first language is not English or French.

36. In 2015, the Government of Yukon hosted a public summit on foreign qualification recognition to generate action items and new ideas on the integration of foreign-trained workers in the north. The summit was a continuation of the work of the Department of Education, which assists immigrants and supports employers with tools and resources to help them hire and retain foreign-trained workers.

37. In 2015-2016, Yukon is investing $2.7 million over five years to support English language learners in public schools. Seven full-time teachers and paraprofessionals will be hired to help students improve their English language skills, helping increase their chances of academic success and helping them integrate into the community.

38. The Government of Newfoundland and Labrador funds community-based organizations to deliver labour market integration services and English as a Second Language (ESL) services. These include: 12-week paid internships; workforce connections and language programs providing tools and information to entry-level job-seekers; employment and career counselling services; business development supports for entrepreneurs; evening language and pronunciation classes; and an outreach-tutor program for ESL in rural communities.

39. The Government of British Columbia has a WelcomeBC website that provides online resources and information on programs and services available to newcomers to assist them in getting settled, finding work and contributing to the province's growing economy.

Multiculturalism

40. In 2015, the Government of Canada's Multiculturalism Program project funding focused on the civic engagement of all Canadian youth aged 15 to 24, including African Canadians and other ethno cultural and racial groups.

41. In 2015-2016, British Columbia's Ministry of International Trade and Responsible for Asia Pacific Strategy and Multiculturalism, whose mandate is to promote and support multiculturalism and connect communities with services to eliminate racism, is providing $300,000 through the Multiculturalism Grant program for projects or events supporting cultural expression, or activities that challenge racism and hate or promote diversity in the workplace. British Columbia also invested $500,000 in 2015-2016 for anti-racism contracts to help build capacity in communities to address racism locally. This funding also strengthens the current 28 communities involved in the Organizing Against Racism and Hate Network program.

42. Under the Government of New Brunswick's Population Growth Strategy 2014-2017, the province has been funding organizations to deliver public education programs to employers, schools and the general community, to promote diversity and multiculturalism. A similar program is being developed for delivery within government.

43. Newfoundland and Labrador's Policy on Multiculturalism aims to foster cross-cultural collaboration while working to build a vibrant and dynamic province. The policy provides a framework for promoting respect, equality, collaboration, and inclusive citizenship for all people living in the province.

Employment Equity

44. Since 2014, the Government of Canada, through its Workplace Opportunities: Removing Barriers to Equity program, is investing $500,000 per year to help improve areas experiencing low representation for members of four designated groups, including visible minorities and Indigenous peoples, in federally regulated organizations.

45. According to the 2014 *Employment Equity Act* Annual Report, the overall representation of members of visible minorities in the federally regulated private sector increased from 18.6% in 2012 to 19.6% in 2013.

Public Service

46. According to the 2013-2014 Annual Report on Employment Equity in the Public Service of Canada, the overall representation of members of a visible minority group increased from 12.6% to 13.2% (the highest percentage increase among the four designated groups), exceeding their workforce availability by a 0.8 percentage point. In the executive cadre, members of a visible minority group represented 8.5% of executives, exceeding their workforce availability by 1.2 percentage points.

47. As for appointments of visible minorities to the federal public service, the rate exceeds their workforce availability of 12.4% based on the 2006 Census: in 2011-2012, 22.3%; in 2012-2013, 14.7%; and in 2013-2014, 16%.[1]

48. In 2014, Manitoba launched a new Diversity and Inclusion Strategy that includes increased employment equity representation benchmarks in the public service. Since the last reporting period, government representation of visible minority employees increased from 9% to 10.3%.

Housing

49. The Government of Canada provides more than $2 billion annually to help vulnerable and low-income Canadians meet their housing needs, which includes federal investments in social and affordable housing.

50. In 2011, visible minority households in Canada (households with primary maintainers who self-identify as visible minorities) made up 14.1% of Canadian households, up from 11.9% in 2006. Nearly all of them lived in the country's largest cities. Certain visible minority households are more prevalent than others, for example: Chinese

[1] In 2012-2013, a common methodology was developed to ensure consistent reporting of employment equity data across the federal public service, which resulted in improved quality and completeness of information on designated groups, in addition to improving efficiencies by which departments and agencies will obtain and report on employment equity data. Due to the change in methodology, figures published in fiscal years prior to 2012-2013 are not comparable with figures published since 2012-2013.

(22.3% of visible minority households); South Asian (22.8%); and Black (16.9%). These three groups together accounted for almost two-thirds (62.1%) of visible minority households.

51. The incidence of core housing need for visible minority households generally improved between 2006 and 2011, with the incidence of housing need decreasing from 23.1% to 20.2%. The incidence of housing need decreased for nearly all visible minority groups, for example: West Asian (from 35.4% to 29.3%); Korean (from 34.5% to 29.1%); Arab (from 28.6% to 24.8%); Black (from 27% to 24.3%). It differed by less than a percentage point for Japanese (from 12.4% to 12.5%), the only group not showing a decrease.

52. Overall, visible minority households experienced crowding and affordability problems and were in core housing need nearly twice as often as non-visible minority households. This difference was only partially related to visible minority status; it also resulted, in part, from visible minority households more frequently being recent immigrants and from their geographic concentration in Canada's largest, most expensive cities.

Changes to Canada's asylum system

53. Regarding Concluding Observation 15, under the *Balanced Refugee Reform Act*, the Government of Canada has the authority to identify designated countries of origin (DCO). The purpose of the DCO policy is to expedite processing of claims from countries that have been identified to respect human rights, offer state protection and that do not normally produce refugees. The Minister of Immigration, Refugees and Citizenship has been mandated to establish an expert human rights panel to help determine designated countries of origin, and provide a right to appeal refugee decisions for citizens from these countries. The Department is currently examining how best to fulfill these commitments. DCO claimants have been granted access to the Refugee Appeal Division of the Immigration and Refugee Board of Canada as a result of a July 2015 Federal Court ruling.

54. Making an asylum claim in Canada is not a ground for detention. A person may be detained where there is a danger to the public, if it is required for an examination to be completed, or where identity has not been established. Canada is committed to carrying out detention in accordance with fundamental procedural safeguards, and detainee rights as guaranteed by the *Canadian Charter of Rights and Freedoms*. Individuals who are detained for immigration purposes are protected from arbitrary detention, and have access to effective remedies. Canada's immigration laws permit the Canada Border Services Agency (CBSA) to detain individuals in certain circumstances.

55. With respect to children, the principle of the best interests of the child is applied in efforts to assist children of refugees and immigrants throughout the immigration continuum, including at the time of detention.

56. Children are detained only as a measure of last resort, taking into account the other applicable grounds and criteria including the best interests of the child. This is a statutory requirement contained in the *Immigration and Refugee Protection Act*. CBSA officers carefully consider what is in a child's best interest. Some of the factors that officers consider in this context include the availability of alternative childcare arrangements; the anticipated length of detention; the risk of continued control by human smugglers or traffickers; the availability of separate living areas for children and their parents or guardians; and access to counselling, education and recreation services. The requirement to consider these factors is set out in the Immigration and Refugee Protection Regulations.

57. Accompanied minors may be permitted to remain with their detained parents in an immigration holding centre if a CBSA officer considers it to be in their best interest and appropriate facilities are available. With regard to unaccompanied minors, these individuals are generally released into the care of provincial child protection services or family members. CBSA immigration holding centres in Quebec and Ontario have separate living areas for families and, if they are held more than seven days, children have access to a teacher.

58. The CBSA seeks to continuously improve its detention program and facilities to ensure they meet the highest detention standards and international protocols.

IV. Indigenous Peoples

59. This section focuses on Concluding Observations 10, 17, 18, 19 and 20 regarding Indigenous peoples. It includes information on initiatives undertaken to improve their socio-economic conditions, initiatives addressing violence against Indigenous women and girls and consultations with Indigenous peoples with respect to Indigenous and treaty rights.

Federal strategies

60. Regarding Concluding observation 10, the Government of Canada's overarching strategy is to renew the relationship between Canada and Indigenous Peoples on a nation-to-nation basis (based on recognition, rights, respect, co-operation, and partnership), and to make real progress on issues like housing, employment, health, community safety, policing, child welfare, and education.

Canada-First Nations Joint Action Plan

61. In June of 2011, the Government of Canada and the Assembly of First Nations (AFN) jointly announced a Canada-First Nations Joint Action Plan that expresses a commitment to work together to improve the long-term prosperity of First Nation people and all Canadians.

62. Based on common goals and shared principles, the Joint Action Plan is intended to strengthen the Canada-First Nation relationship at the national level. Together, the Government of Canada and First Nations have embarked on a new phase in their relationship as a means of demonstrating concrete action in the priority areas of education; accountability, transparency, capacity and good governance; economic development; and negotiation and implementation.

63. Following upon the Joint Action Plan, a Crown-First Nations Gathering was held in 2012 and brought together First Nations Chiefs, the National Chief of the AFN, the then Prime Minister and other government representatives to discuss priority issues for First Nations communities. A joint Outcome Statement was issued committing to fundamental change and identifying five major steps: renewed relationship; removing barriers to First Nations governance; advancing claims resolution and treaty implementation; education reform; and capitalizing on economic development.

Violence against Indigenous women

64. Governments in Canada are deeply concerned about violence against Indigenous women and the high number of missing and murdered Indigenous women and girls and continue to undertake initiatives and measures to address these issues. Substantial

information on Canada's activities can be found in the 2014 Interim report in response to Concluding Observation 17, in the Government of Canada's Observations to the Report of the Committee on the Elimination of Discrimination against Women on the Inquiry Concerning Canada, more particularly in Annex 1A, and in Canada's Eight and Ninth Reports on the *Convention on the Elimination of All Forms of Discrimination against Women* (CEDAW).

National database on murdered and missing Indigenous women

65. The Royal Canadian Mounted Police (RCMP) has produced the most comprehensive account of missing and murdered Indigenous women in Canada to date in its National Operational Overview. The Overview reveals that missing and murdered Indigenous women are over-represented vis-à-vis their proportion of the Canadian population. Indigenous women accounted for 16% of female homicides and 11.3% of missing women, three to four times higher than the representation of Indigenous women in the Canadian population.

66. The research identified 1,181 missing and murdered Indigenous women in Canadian police databases: 164 missing (dating back to 1952) and 1,017 murdered (between 1980 and 2012). It further clarifies that almost 9 out of 10 murders of Indigenous women are resolved across Canadian law enforcement jurisdictions (897 out of 1,017). That leaves 120 homicide cases and 105 missing cases. The overview reveals a virtually identical homicide solving rate for Indigenous women (88%) and non-Indigenous women (89%). The study reveals that the rate of stranger perpetrated homicide against Indigenous women is 8%, virtually the same as for non-Indigenous women (7%).

67. The RCMP has changed its policy and reporting practices to collect and report on victim and offender Indigenous origin to the Canadian Centre for Justice Statistics Homicide Survey. The Canadian Police Information Centre (CPIC) has also made a number of changes to the Missing Persons and unidentified remains (Body) categories in the CPIC system over the past several years. CPIC is an integrated, automated system and is the only national information-sharing system linking police agencies across Canada and internationally. In 2010, 2011 and 2013, Biological Affinity and Cultural Affinity fields were added to CPIC, allowing the investigator to specify a missing person's Indigenous origin, including as First Nation, Inuit or Metis.

68. The RCMP remains committed to resolving the outstanding cases, and seeking closure and justice for families and friends of all Indigenous women who have gone missing or have been murdered in Canada.

Investigations

69. The National Centre for Missing Persons and Unidentified Remains (NCMPUR) is Canada's national centre that provides law enforcement, medical examiners and chief coroners with specialized investigative services in support of missing persons and unidentified remains investigations.

70. As part of its operations, the NCMPUR manages:

- The development and implementation of the national Missing Children/Persons and Unidentified Remains Database, which includes data on missing persons and unidentified remains investigations from across the country.
- The provision of investigational advice and case analysis to law enforcement partners.
- The national public website to provide information on selected cases to the public for the purposes of seeking tips on investigations.

- The provision of enhanced specialized services to investigators of primary jurisdiction such as Computer Age Progression, Amber Alert, the Travel Reunification Program, and Facial Approximation.

71. The NCMPUR also:

- Coordinates the National Amber Alert working group for Canadian police agencies.
- Researches and compiles investigative best practices.
- Develops training for police officers.
- Coordinates a multi-discipline multi-agency missing person investigation initiative.

Federal, provincial and territorial collaboration

72. F-P/T governments are collaborating to develop coordinated responses to address violence against Indigenous women and girls and have held high level government meetings for that purpose.

Draft federal, provincial and territorial Justice Framework to Address Violence Against Aboriginal Women and Girls

73. In 2013, F-P/T Ministers responsible for justice and public safety approved the Draft Justice Framework to Address Violence Against Aboriginal Women and Girls for public release. The draft Framework is intended to help F-P/T justice officials, Indigenous organizations, and other partners work together across the country, as well as within their respective jurisdictions, to find local solutions to address the serious issue of violence against Indigenous women and girls. F-P/T governments consulted with Indigenous groups and other stakeholders on the draft Framework. For example:

- The Government of Saskatchewan completed 22 dialogues where 700 people attended. Seven of the dialogues were organized by an Indigenous women's organization.
- The Government of Alberta met with First Nations and Métis Women's Economic Security Councils.
- British Columbia invited the Minister's Advisory Council on Aboriginal Women (comprised of Indigenous women), Indigenous organizations, victim service providers, justice professionals and other groups that provide services to Indigenous women and girls to provide their feedback.

74. Recognizing the need for further targeted action to address violence while discussions about the Draft Justice Framework continue, Justice and Public Safety Ministers have agreed to:

- Take action to change attitudes that lead to violence against women, including Indigenous women;
- Monitor and support continuing police efforts to investigate the 225 unresolved cases of missing and murdered Indigenous women and girls;
- Encourage and support community-led, culturally-responsive approaches to prevent and respond to violence, such as community safety planning;
- Improve responses to violence, through greater integration and coordination of programs and services within government and in the community;
- Pro-actively collaborate across multiple sectors to address causes of violence; and

- Task justice officials with continuing to collaborate with each other and share information about promising practices to address violence against Indigenous women and girls.

75. The Draft Justice Framework was revised in January 21, 2016, taking into account the feedback received across Canada and it was approved.

National Roundtable on Missing and Murdered Indigenous Women and girls

76. In 2015, F-P/T governments, as well as representatives from national Indigenous organizations, participated in a National Roundtable on Missing and Murdered Indigenous Women and girls. All participants endorsed a Framework for Action to Prevent and Address Violence Against Indigenous Women and Girls, which identified three key priority areas: prevention and awareness, community safety, and policing measures and justice responses. A commitment was also made to continue working together to prevent and end violence against Indigenous women and girls and to work directly with Indigenous communities and organizations to move forward on these priorities. Participants also decided to coordinate efforts toward tangible and immediate actions in each of the priority areas and implementation will vary based on relationships and priorities among Indigenous communities and organizations and F-P/T governments. The second Roundtable will take place in February 2016 and progress over the past year will be assessed.

77. The following are examples of other commitments undertaken by governments:

- The Government of Canada has invested in the National Association of Friendship Centre's Action for Women Mobile Platform, which provides information to Indigenous women and girls on how to protect themselves from violence and in the Native Women's Association of Canada's *Our Spirits are NOT for Sale: a Handbook for helping sexually exploited Indigenous women and girls*.
- Saskatchewan hosted a meeting of Indigenous, community, justice and government representatives in 2015 to begin developing a collaborative approach to address violence against Indigenous women and girls, including in families and communities.
- In 2015, Quebec Native Women organized a gathering of the loved ones of the missing and murdered Indigenous women with financial support from the governments of Quebec and Canada. Its goal was to bring together roughly 20 people and allow them, through the testimony of loved ones, to identify ways to help prevent and better intervene on this issue. With funding from the Government of Québec, the organization also published a report on Missing and murdered Indigenous women in Quebec, which identifies the risk factors and vulnerability associated with this trend and possible solutions.
- New Brunswick's Strategic Framework to End Violence Against Wabanaki Women provides the framework for the province's commitments at the National Roundtable and for continued engagement with Indigenous women and organizations to establish a coordinated, all-of-government approach that considers root causes of violence.
- Manitoba will host a forum bringing together specialized police officers, prosecutors and victim services workers who are assigned to respond to cases of murdered and missing Indigenous women to share promising practices and to reconsider systemic issues.

Federal-Provincial-Territorial Ministers Responsible for the Status of Women

78. In 2015, during the Annual Meeting of F-P/T Ministers Responsible for the Status of Women, Ministers addressed key priorities, including ending violence against women and girls, discussed the ongoing problem of sexual violence in Canada, and explored current prevention practices and comprehensive strategies to address the issue. Ministers examined the outcomes of the F-P/T Sexual Violence Knowledge Exchange held in 2015 and agreed to continue seeking opportunities to collaborate on preventing all violence against women.

Prevention and protection measures

National inquiry into missing and murdered Indigenous women and girls

79. In December 2015, the Government of Canada launched a national public inquiry into missing and murdered Indigenous women and girls. The Government will first engage with survivors, family members and loved ones of victims, as well as National Indigenous, provincial, and territorial representatives to seek their views on the design and scope of the inquiry. It will then report back on what has been heard and the views and ideas expressed by all participants will allow the Government to develop the inquiry, including its mandate, its terms of reference, its format and its timeline.

F-P/T Initiatives

80. The Government of Canada is currently implementing concrete actions to prevent violence, support Indigenous victims, and protect Indigenous women and girls from violence. For example:

- The Family Violence Prevention Program invests $31.74 million annually in an existing network of 41 shelters and numerous family violence prevention activities on and off reserve. From 2006 to 2014, the shelters provided a safe environment and services to over 27,514 women and over 24,290 children.
- The Aboriginal Community Safety Development Contribution Program supports Indigenous communities to develop individualized community safety plans responsive to local community safety needs.
- Justice Canada offers support for government and non-governmental organizations in the delivery of direct, culturally responsive victim services for Indigenous victims of gender-based violence and families of missing and murdered Indigenous women.

81. In 2015, Ontario supported the Chiefs of Ontario (COO) to convene a three-day gathering with 15 Ontario First Nation families of missing and murdered Indigenous women to identify barriers and challenges encountered after the death or disappearance of their loved ones. The families' input will help provide direction on the mandate and structure of an Ontario First Nation-led inquiry and the purpose and role of a national inquiry. An interim report on the feedback provided contains recommendations in the areas of healing and support services, leadership, police investigations and justice.

82. In 2015, British Columbia released the Vision for a Violence Free BC Strategy, which combines immediate actions with a long-term vision to end violence against women. To support priorities in this Strategy, the government provided $824,711 in grant funding to support community-led projects focused on addressing violence against Indigenous women and girls.

83. In 2015-2016, the Yukon provided $200,000 in funding to five culturally relevant initiatives designed and developed by and for Indigenous women as a key strategy in taking collective action on violence against Indigenous women.

84. Further, the government is providing funding to the Yukon Advisory Council on Women's Issues (YACWI) and the Liard Aboriginal Women Society to co-present the YACWI forum for women, themed Beyond Violence: Responding to interpersonal violence at work and in the home and community. The annual forum will offer opportunities for developing shared understanding and collective action to address violence in all its forms.

85. Manitoba's Family Violence Prevention Program plans and develops community programs to help stop family violence and supports special services for victims of family violence. For example, the Iskotew Aboriginal Women Healing Program is a three-year pilot project offering healing services specifically designed to assist Indigenous women who have experienced domestic violence. Using culturally appropriate and community led approaches, the healing programs lead the way to decreasing the victimization of Indigenous women in the community.

Awareness raising campaigns

86. The Government of Canada is supporting Indigenous communities to raise awareness and create tools, activities and resources to build healthy relationships. For example, in 2014, it provided funding to: the Pauktuutit Inuit Women of Canada to develop and deliver a violence prevention and awareness campaign in 53 Inuit communities North of 60; the Native Women's Association of Canada to design and develop a community safety plan toolkit and to launch a national outreach campaign; the AFN for the creation of the video *Live A Life of Integrity*.

87. The federal government also developed awareness-raising materials for victims of family violence, including a set of materials aimed at Inuit victims of family-based violence. Similar materials for First Nations and Métis are currently under development.

88. Further, in 2014, it created a public service announcement, with singer Shania Twain, whose key message is that all types of abuse can happen in any family; that abuse should not be kept a secret and is never acceptable; and that silence needs to be broken by telling someone you trust and reporting it to police.

89. Since 2010, public awareness forums, providing information to the public on the issue of sexual exploitation of children, have continued annually in Manitoba. In 2015, the forum included a presentation on the issue of domestic trafficking of Indigenous girls in Canada.

90. Manitoba has also developed a four point plan to raise awareness and enhance co-ordination of sexual assault services and launched a sexual assault website in 2015. The website is aimed at increasing public awareness, enhancing knowledge on provincial resources, and providing information on interventional resources for victims of sexual assault.

91. Saskatchewan's Provincial Partnership Committee on Missing Persons hosted its third annual Missing Persons Week in May 2015, which focused on *A Community's Response to Missing Persons*.

92. In 2014, Alberta partnered with the Alberta Native Friendship Centres Association in launching the Moose Hide Campaign in the province where men and boys take a stand against violence towards women and girls and pledge to honour the women in their lives. The campaign, which was started by the British Columbia Association of Aboriginal Friendship Centres, is also active in British Columbia.

93. British Columbia's Office to Combat Trafficking in Persons raised awareness about the unique vulnerabilities of Indigenous girls and women to sexual exploitation and human trafficking in over ten communities, including Indigenous communities.

94. In late 2014, the Government of the Northwest Territories launched a social marketing campaign, entitled *What will it take?*, aimed at changing attitudes and beliefs about family violence and geared towards people who witness family violence. It is designed to give the public the confidence and skills they need to respond to situations of family violence.

Consultations with Indigenous People

95. In addition to the information provided in the 2014 Interim Report, more information on consultation initiatives can be found in paragraphs 35-53 of Annex 1A and in Canada's 8th and 9th Reports on the CEDAW. Some new developments can be found below.

96. Ontario regularly meets and engages with the provincial Indigenous organizations that sit on the Joint Working Group on Violence Against Aboriginal Women, which is currently developing a long-term strategy to address violence against Indigenous women that will focus on system-wide changes to improve outcomes for Indigenous women in Ontario.

97. The government also ensured that Indigenous partners were represented as part of Ontario's delegation at the 2014 National Aboriginal Women's Summit and the 2015 National Roundtable on Missing and Murdered Indigenous Women and Girls.

98. In Quebec, close to 100 individuals provided their views on how to prevent and counter sexual assaults during a parliamentary commission in March 2015 and during one-day meetings held in Montréal, Rivière-du-Loup and Gatineau. The Committee on Citizen Relations' order of initiative to examine how the living conditions of Indigenous women relate to sexual assault and family violence will help complete the consultation process needed for the development of government measures related to sexual assault and exploitation.

99. In 2014, the RCMP KARE division met with the First Nations Council and discussed human trafficking of Indigenous women and girls.

100. In 2012, British Columbia consulted with members of the Indigenous community to develop its action plan to combat human trafficking. Indigenous communities vulnerable to sexual exploitation and human trafficking were identified as a key focus group for action in the plan.

Family Homes on Reserves and Matrimonial Interests or Rights Act

101. Regarding Concluding Observation 18, the *Family Homes on Reserves and Matrimonial Interests or Rights* Act came into force in 2014. The Act provides spouses or common-law partners living on-reserve with rights over the family home during the course of a relationship, upon its breakdown or on the death of a spouse or common-law partner.

On-and-off reserve socio-economic issues for Indigenous peoples

102. Canada has provided detailed information in response to Concluding Observation 19 in the 2014 Interim report. The following is meant to update and complement the information already provided.

Safe drinking water

103. In place since 2003, one of the goals of Alberta's Water for Life Strategy is safe, secure drinking water for Albertans, including on-reserve. In 2014, the Water Conservation Plan *Our Water, Our Future* was released and includes actions to develop options for First Nations, Metis Settlements, municipal, provincial and federal governments to collaboratively provide water and wastewater services to First Nations reserves and Métis Settlements.

Education, training and employment

104. Governments across Canada are investing in education, career counseling and jobs and skills training for Indigenous people, especially youth, to improve their access to education and to remove potential barriers to their employment.

Education

105. According to the 2011 National Household Survey, 69% of Indigenous people (18-24 years old) living off-reserve hold at least a high school diploma (62% in 2006) as compared to 38% of Indigenous people (18-24 years of age) living on-reserve (up from 35% in 2006). Additionally, 52% of Indigenous people (25-64 years old) hold post-secondary qualifications (47% in 2006) as compared to 35% of Indigenous people (25-64 years of age) living on-reserve (unchanged since 2006).

106. In 2013-2014, the Government of Canada provided over $13 billion in support of post-secondary education, which included supporting students with financial assistance such as Canada Student Loans and Canada Student Grants. In 2014-2015, the government spent $1.8 billion to support First Nation and Inuit students in achieving educational outcomes comparable to those of other Canadians.

107. In 2012, British Columbia launched the Aboriginal Post-Secondary Education and Training Policy Framework and Action Plan to help Indigenous people succeed in education and training programs in British Columbia. The plan was developed in partnership with the First Nations Education Steering Committee, the Indigenous Adult and Higher learning Association, Metis Nation BC, post-secondary sector associations, provincial ministries and federal agencies. Its goal is to increase the number of credentials awarded to Indigenous learners by 75% by 2020-2021. In 2013-2014, 3,241 credentials were awarded to Indigenous learners, an increase of 23%, or 607 over 2009-2010. The plan includes the following:

- Aboriginal Community-Based Training Partnerships: $25.1 million in funding since 2012 for partnerships between Indigenous communities and public post-secondary institutions to deliver programs in communities that meet community needs and position Indigenous people to take advantage of economic opportunities. To date, the program has supported more than 2,000 Indigenous learners in 69 communities through 110 projects.
- Aboriginal Service Plans: Approximately $4 million in annual funding to 11 public post-secondary institutions for implementation of Aboriginal Service Plans, which support programs, activities and services to meet the needs of Indigenous learners.
- Aboriginal Emergency Financial Assistance Fund: $4.3 million in one-time funding since 2012 to provide support for Indigenous students experiencing a short-term financial crisis.

108. Quebec has implement various measures to reduce the discrepancy between the education levels of Indigenous students and those of non-Indigenous students:

- In 2012, a tripartite agreement was signed by the governments of Canada and Quebec and the First Nations Education Council to improve the academic outcomes of indigenous students. The agreement's main objective is to adequately support First Nations students transferring between the First Nations and Quebec education systems. A second tripartite agreement with the Tshakapesh Institute is about to be finalized.
- From 2012-2016, financial support in the amount of $125,000 per year has been provided to Indigenous friendship centres to provide homework support to Indigenous youth living off reserve and attending school in the Quebec school system.
- The Welcoming and integrating Indigenous students into the college level program is designed to facilitate the access of Indigenous students to college studies by awarding financial assistance to CEGEPs that commit to meeting their specific educational needs. Annually, a dozen institutions take advantage of this program to reach an average of 250 Indigenous students. Funding through the Financial support program for members of Indigenous communities is also available to universities that welcome Indigenous students.

109. Supporting First Nations, Metis and Inuit student success is a priority in business planning and results reporting for Alberta Education and provincial school authorities. School authorities receive funding and grants to implement student supports, to support professional learning for staff and to encourage collaboration among education partners and First Nation, Metis and Inuit communities.

110. In 2010, Alberta signed the Memorandum of Understanding (MOU) for First Nations Education in Alberta with the Assembly of Treaty Chiefs in Alberta and the Government of Canada. In 2013, a long term strategic action plan outlined the parties' roles and a process for providing systemic supports for First Nations education in Alberta on an opt-in basis for First Nations.

111. In 2015, Alberta hosted the Alberta - First Nations Education Summit, which supported discussions with chiefs on how to strengthen the First Nations education system. At the summit, the government advised chiefs that it was in the final planning stages for moving forward with its commitments under the MOU and agreed to work with willing First Nations to create education authorities in order to strengthen education capacity and target the achievement gap for First Nations students.

112. In 2014, New Brunswick funded 20 initiatives to increase access to post-secondary education for Indigenous students, and to further support them once they enrolled. These projects included specialized recruiting, orientation and bridging activities, cultural trainings, the development of First Nations language resources, and the funding of campus-based Indigenous counsellors and Elders-in-Residence. Special programs were also developed in the fields of nursing, mental health, and Indigenous art.

General and Vocational Training

113. The Government of Canada continues to support skills development and training of Indigenous Canadians through a suite of complementary Indigenous labour market programs, including the Aboriginal Skills and Employment Training Strategy, the Skills and Partnership Fund, and the First Nations Job Fund.

114. In addition, the government's First Nations and Inuit Youth Employment Strategy supports initiatives to provide youth with work experience, information about career

options, and opportunities to develop labour force skills. Since its launch in 2003, approximately 150,000 opportunities have been provided to First Nations and Inuit youth with 600 First Nations and Inuit communities designing and implementing projects each year.

115. Further, in partnership with national and regional Indigenous women's organizations, the federal government is funding projects that provide Indigenous women entrepreneurs with financial literacy training, access to business development tools and access to capital to establish, expand and run viable, sustainable businesses.

116. Manitoba has a number of training programs and initiatives for Indigenous individuals, for example:

- The Manitoba Works! Co-operative Work Experience Program assist those with minimal to no previous work experience, particularly individuals who are on Employment and Income Assistance in the province and Indigenous participants, gain relevant skills, work experience and connect with employers. It incorporates industry specific pre-employment, essential skills and employability skills training, followed by a 3 to 6 month long paid work experience. It is currently being piloted by four community-based service providers and to date over 250 participants have benefited.
- The Child and Youth Care Worker Training Program is a 52 week certificate program aiming to break the cycle of poverty, violence, homeless and isolation faced by urban Indigenous people, particularly for those who have previous experience as a sex trade worker. Upon graduation, participants have the skills and work experience to work in youth serving agencies, specifically helping to deter youth from the sex trade industry. In 2014-2015, 18 participants entered the program and 17 are in the process of completing the program.
- The Northern Construction Trades Training Program provides training to northern Indigenous residents in the trades of Industrial Mechanic, Industrial Electrician and Steamfitter/Pipefitter. The program began in 2015 and will span five years. To date, 32 participants remain in the program.
- The Misipawistik Cree Nation Health Care Aid Training, which delivers a comprehensive Health Care Aid program to address shortages of workers in Grand Rapids and surrounding areas. In 2014-2015, 6 out of 11 total participants obtained employment upon completion of the program.

117. Quebec also undertakes a number of measures for adult general and vocational training for Indigenous people, including:

- The Agreement concerning the management and operation of the Development and Workforce Training Centre of the Huron-Wendat Nation, which provides educational services to adult Indigenous clients in Quebec school boards or CEGEPs. From 2008 to 2013, 64 students received their high school diploma, 14 students obtained the prerequisites to start college training, and 87 students obtained the necessary prerequisites to start vocational training. Furthermore, since 2010, the Centre has allowed 317 Indigenous people to obtain their diploma of vocational studies.
- The Agreement on the management and operation of regional adult education centres, which led to the establishment of four adult education centres in four different Indigenous communities. These centres are meant to improve the access of Indigenous people to adult education and allow a greater number of them to obtain a first diploma while remaining in an environment adapted to their reality.

- A Vocational Training Centre for Indigenous people in Construction Trades and Related Sectors, encouraging the integration into the workforce of trained Indigenous groups all across Quebec. Since 2008, over 300 Indigenous students have obtained a vocational school diploma in construction or a related sector as a result of the Centre's activities.

118. Alberta's Ministry of Indigenous Relations has recently expanded its role to play a more significant role in addressing the employment challenges and barriers that face Indigenous workers. It is coordinating several cross ministry initiatives to decrease barriers to employment, including initiatives targeted at the trades and the ability of Indigenous people to get and maintain a driver's license. In addition, it is working with several industry groups and organizations to increase partnerships between industry and Indigenous communities.

119. More information on employment measures for Indigenous peoples can be found in Canada's 8th and 9th Reports on the CEDAW (paragraphs 54-62).

Access to housing

120. The Government of Canada invests an estimated $292 million annually to support the housing needs of First Nations communities. This funding supports the construction of new social housing, the renovation of existing homes, ongoing subsidies for existing social housing and capacity building to assist First Nations in managing their housing portfolio.

121. With respect to residents of Attawapiskat, the Government of Canada has undertaken $2.2 million in investment for new, sustainable housing. The Attawapiskat First Nation awarded a contract to construct four duplexes in December 2013. The assembly and installation of the duplexes were completed in the fall of 2014. In February 2015, the federal government allocated $3.7 million for the purchase, delivery and set up of 13 housing units in the community.

122. The Government of Quebec has worked with the Native Friendship Centre in Val-d'Or to increase the amount of housing available to Indigenous people, including 24 social housing units. In addition, as of March 31, 2015, Quebec bore the operating losses of 1,875 housing units for off-reserve Indigenous people throughout the province and the operating losses of 2,734 social housing units in Nunavik.

Access to health services

123. The Government of Canada provides access to clinical care services 24/7 in 80 remote and isolated First Nations communities serving approximately 91,000 individuals, where access to provincial or territorial healthcare services is limited.

124. In addition, the Non-Insured Health Benefits Program provides eligible First Nations and Inuit people with coverage for drugs, dental care, vision care, medical supplies/equipment, short-term crisis intervention mental health counseling, and medical transportation to access medically-required health services not available on-reserve or in the community of residence. In 2015-2016, the Program supported 808,000 eligible clients.

125. Indigenous citizens in Newfoundland and Labrador have access to the full range of health care services in the province. There are certain communities where the Band or Indigenous government provides some or all primary health care services, and there is close collaboration with regional health authorities and Health Canada for the provision of services outside the range of what is offered within the community. Other initiatives aimed at supporting Indigenous patients in the health care system include the following:

- An Indigenous patient navigator program and interpretation services to support Indigenous patients who are referred to St. John's for medical treatment.

- The government's active participation in the tripartite Innu Healing Strategy at the Innu Round Table.
- The development, in collaboration with Indigenous communities, of cultural awareness training materials for health professionals to enhance the provision of culturally appropriate health care.
- The Eastern health's cancer care program, which addresses the unique challenges faced by many Indigenous People when confronted with a cancer diagnosis, including language barriers, cultural differences and geographical isolation from primary care to secondary and tertiary health centres.
- The development of an Innu Medical Glossary for health care providers.

126. Indigenous peoples living in Quebec receive health and social services in the same manner as the general public when they present themselves to health and social services facilities in Quebec. The Government of Quebec made a commitment to non-treaty communities at the Socioeconomic Forum of Mashteuiatsh to ensure the transfer of expertise and knowledge, the connection between health and social services corridors and the supply of secondary and supplementary health services.

127. Manitoba provides funding to the Northern Regional Health Authority for the provision of health care services to northern communities, including First Nations and Métis communities. It also provides funding for medical service provision by physicians in northern communities and for the provision of on-call services and specialist medical services by physicians to these communities.

128. The province also funds Telehealth services, which uses information technology, to enhance access to medical services for all Manitobans, including Indigenous people living in rural and remote areas of the province. For example, through Telehealth, Manitoba First Nations communities currently receive regular child and adolescent mental health and psychiatric consultations.

129. Further, Manitoba is investing in interprofessional primary care teams and innovative services close to home, such as Mobile Clinics, QuickCare Clinics, My Health Teams and the Family Doctor Finder program:

- Nurse-practitioner-led Mobile Clinics are bringing primary care to smaller, northern and remote populations without regular access to primary care services including First Nations and Métis communities.
- Nurse-practitioner-led Quick-Care Clinics allow patients with minor health issues to receive care faster while taking pressure off family doctors.
- My Health Teams includes new interprofessional primary care teams who enable the health care system to provide high-quality primary care to more Manitobans.
- The Family Doctor Finder program assists Manitobans to find a family physician or Nurse-practitioner within their community.

130. Alberta has a dedicated Aboriginal Health Program which works throughout the province to provide high-quality, accessible and culturally appropriate health services. The province established the Aboriginal Wisdom Council in 2012 to provide guidance and recommendations on service delivery, program design and evaluation for culturally appropriate health service. A Joint Work Plan to Improve Health of First Nations in Alberta was developed in 2014 in collaboration with the federal government and First Nations.

131. The province, through its Fetal Alcohol Spectrum Disorder Service Networks, also consults with Indigenous groups, both on and off-reserve, in their communities to develop and provide culturally relevant and appropriate supports to Indigenous individuals.

132. British Columbia is working in partnership with the First Nations Health Authority to develop an Urban Vancouver Aboriginal Health Strategy bringing together First Nations communities, Indigenous services and community organizations, and partner agencies to identify a unified approach to improving access to services in support of Indigenous health and wellness.

133. Nunavut coordinates and provides out of territory care and is working to increase in-territory services, through strong culturally relevant public health programing, expansion of clinical services (e.g., CT Scanner) and increased utilization of telehealth (e.g., for access to mental health services).

134. In 2011, New Brunswick developed an Action Plan for Mental Health in New Brunswick 2011-2018. This Plan ensures that culturally competent and culturally safe services are available to all, particularly Indigenous and immigrant persons; and that all New Brunswickers have equal access to effective prevention and treatment of mental illness.

Jordan's Principle

135. The Government of Canada is implementing Jordan's Principle to make sure the care of a First Nations child with multiple disabilities requiring multiple service providers will continue if there is a federal and provincial dispute concerning payment of services. Contacts, processes and mechanisms are now in place across the country to coordinate and address potential cases as they arise. To date, most cases brought forward have been resolved prior to progressing to the level of a declared federal and provincial jurisdictional dispute, and there are no unresolved jurisdictional disputes at this time.

Indigenous children under the care of social services

136. The Government of Canada provides funding to over 100 First Nations Child and Family Services agencies that deliver a range of prevention and protection services in accordance with the legislation and standards of the province or territory of residence.

137. In February 2007, the AFN and the First Nations Child and Family Caring Society of Canada filed a complaint with the Canadian Human Rights Commission alleging that the inequitable funding for the provision of child and family services on-reserve constitutes systemic and ongoing discrimination on the basis of race, national or ethnic origin under the *Canadian Human Rights Act*. On January 26, 2016, the Tribunal substantiated the complaint ordering the Government of Canada to cease its discriminatory practices and reform the First Nations Child and Family Services Program and related funding models to reflect the findings in this decision.

138. The Government of Canada believes that all First Nation communities deserve adequate program supports and funding to ensure the needs of our most vulnerable members of society are being met, and is committed to working toward a renewed relationship with First Nations leaders and communities, and with provincial and territorial partners, to advance substantive reform to Indigenous child welfare.

Provincial and territorial measures

139. In 2014, the Council of the Federation, comprised of provincial and territorial premiers, discussed the over-representation of Indigenous children under the care of social services. The Council directed the provinces and territories to work with Indigenous communities in their respective jurisdictions to share information on potential solutions to the problem and to improve services provided to children. The premiers acknowledged the need for governments and Indigenous communities to work collectively to address this Canada-wide problem.

140. In 2015, the working group created by the Council released the report *Aboriginal Children in Care – Report to Canada's Premiers*, which identifies promising practices to reduce the number of children in care and improve outcomes for children receiving care. Premiers agreed that the report sets a good foundation for future work and forwarded it the working group and to provincial and territorial ministers responsible for Social Services for consideration in their own work.

141. There are many programs and services in place across the provinces and territories to reduce the number of Indigenous children in child welfare systems and to improve outcomes for Indigenous children in care.

142. For example, through the Family Finders Program, Saskatchewan provides First Nations Child and Family Services Agencies with funding to hire staff to recruit, screen, assess and recommend extended family caregivers for First Nations children in the government's care. The goal of the program, while continuing to strive for family reunification wherever possible, is to ensure that First Nations children are placed with next of kin first and foremost. Secondly, when immediate or extended family is unavailable, that First Nations children are placed with First Nations, whenever possible, families to continue connection to cultural identity, community and heritage.

143. The Intensive In Home Supports Program provides intensive in-home family supports to ensure the personal safety of children while allowing them to remain within the family home instead of being taken into Social Services' care. Operating throughout Saskatchewan, it is delivered collaboratively with Indigenous partner organizations. From April 2014 to January 2015, approximately 335 families and 830 children took part in the program.

144. Further, while not specifically directed towards Indigenous families, Saskatchewan developed the Flexible Response Pilot Project (FR), which maintains a primary focus on child safety while promoting permanency for children within the family and community and increasing emphasis on engaging children and their families in services. The FR builds on existing strengths to increase families' capacity to care for their children using culturally appropriate services. It was developed in collaboration with First Nations and Métis and the team that determines the most appropriate FR pathway includes Métis and First Nation organizations. From November 2013 to October 2014, with the FR, 49 fewer children entered into the Social Service's care than in the previous year, and transfers to ongoing child protection were reduced by over 50%.

145. Manitoba gives First Nations and Métis people province-wide authority for the delivery of child and family services (which includes foster care). The *Child and Family Services Authorities Act* establishes four Child and Family Services Authorities (two First Nations Authorities, one Métis Authority and one General Authority) that are responsible for the delivery of child and family services throughout the province.

146. Manitoba also works with First Nations Child and Family Services agencies and Authorities to:

- Develop out-of-home placement resources for children in care on reserve.
- Make recommendations to Child and Family Services Standing Committee on reducing the numbers of children in care through customary care, kinship care and enhanced post-adoption and guardianship subsidies.

147. British Columbia promotes safe alternatives to child removal whenever possible, and the *Child, Family and Community Service Act* specifies that priority must be given to placing an Indigenous child with extended family, their Indigenous cultural community, another Indigenous family, or in a location where the child can maintain contact with their relatives, friends and culture. It is also increasing the use of Family Development

Responses, an alternative to more intrusive child protection investigations, with collaborative and supportive approaches to help address a family's issues so that they can safely care for their child and stay together. Additionally, the Aboriginal Service Innovations – Child Safety and Permanence program provides direct services supporting Indigenous children in care to safely return home or, if they cannot, to improve their permanency outcomes.

148. In Nunavut, there is a greater use of extended family supports as a placement resource to have children stay within the larger familial unit rather than have them away from family. Cross sector collaboration strategies are used between government and non-government sectors to create comprehensive intervention strategies which use a whole- of-community response to the delivery of support services.

149. In Nova Scotia, all children of Indigenous descent who come into the permanent care of the Minister are transferred to the Mi'kmaw Family and Children Services agency, which uses family group conferencing to help children remain with their families.

Indian Residential Schools

150. The Government of Canada continues to fulfill its obligations under the Indian Residential Schools Settlement Agreement. Many elements of the Agreement are complete or nearing completion. As of December 2015, Canada has paid out over $1.62 billion in Common Experience Payments to 79,302 recipients. The Independent Assessment process received 37,997 applications, of which 33,934 have been resolved, resulting in payments totaling $2.95 billion. The Commemoration initiative allocated $20 million to 144 local, regional and national projects.

Truth and Reconciliation Commission

151. The Truth and Reconciliation Commission (TRC) was created as part of the Indian Residential Schools Settlement Agreement, which was negotiated to find a fair, comprehensive, and lasting resolution to the legacy of the Indian Residential School System. The Commission's mandate was to research and report on the complex truth, history and ongoing legacy of the schools; and, to guide and inspire a process of truth and healing leading to reconciliation within Indigenous families, and between Indigenous peoples and non-Indigenous communities, churches, governments, and Canadians.

152. From 2009 to 2015, the Commission held seven national events and one closing event; gathered statements and documents about the residential schools and their legacy; recommended commemoration initiatives to the federal government for funding; set up a research centre that will permanently house the Commission's records and documents.

153. In 2015, the Commission issued 94 recommendations, calling upon the Government of Canada and others to address a wide range of Indigenous socio-economic areas such as child welfare, education, language/culture, health, and the justice system; as well as broader issues including a nation-to-nation relationship, the implementation of the UN Declaration on the Rights of Indigenous Peoples (UNDRIP), and respect for treaties.

154. The Prime Minister accepted the TRC's final report and announced that the Government of Canada will work with leaders of First Nations, Métis Nation, Inuit, provinces and territories, parties to the Indian Residential School Settlement Agreement, and other key partners, to design a national engagement strategy for developing and implementing a national reconciliation framework, informed by the Commission's recommendations.

155. At the 2015 summer meeting of the Council of the Federation, PT Premiers committed to continue to show leadership in ongoing reconciliation efforts and to take action in each of their provinces and territories in relation to the matters in the TRC report.

UN Declaration on the Rights of Indigenous Peoples

156. Five years after Canada's endorsement of the UNDRIP, and to support the work of reconciliation, Canada is strongly committed to building a positive and productive relationship with Indigenous peoples. Governments in Canada will work in partnership with Indigenous peoples to give domestic effect to the UNDRIP and achieve its objectives. Concrete actions have been taken in many areas identified in the UNDRIP such as: economic development, housing, child and family services, education, access to safe drinking water, governance, sharing benefits of natural resources development in traditional Indigenous territories, and extension of human rights and matrimonial real property protection on reserve.

Consultation with Indigenous Peoples

157. With respect to Concluding Observation 20, F-P/T governments in Canada have a legal duty to consult and, where appropriate, accommodate when the Crown contemplates conduct that might adversely impact potential or established Aboriginal or Treaty rights (e.g. use, allocation or disposal of Crown property; authorization of development and operation of interprovincial pipelines, etc.).

158. Governments in Canada take their obligations regarding the legal duty to consult seriously and have policies in place to provide direction and guidance with respect to consultation. They also undertake a wide variety of efforts to ensure that fair, efficient, accessible, transparent and meaningful consultation occurs when appropriate. For example:

- The Government of Canada supports the whole of government approach to Indigenous consultation by developing policy, tools and training for federal officials to fulfill the duty to consult:
    - In 2015, it appointed a Ministerial Special Representative to engage with Indigenous groups, industry and other affected stakeholders on ways to improve the management of Canada's approach to consultation and accommodation.
    - At a regional level, the federal department of Indigenous and Northern Affairs Canada (INAC) acts as a liaison between federal departments, provincial and territorial governments and Indigenous organizations and communities to facilitate relationships. It negotiates consultation arrangements and protocols with Indigenous groups and provinces and territories to achieve coordinated, efficient consultation processes.
- In 2014, Alberta prepared a draft Policy on Consultation with Métis Settlements on Land and Natural Resource Management. The Métis Settlements were actively engaged in the development of the draft Policy and all eight Settlements indicated their support for the draft prior to final approval of the Policy, which was received in 2015.
- In 2014, the Northwest Territories Intergovernmental Agreement on Lands and Resources Management, between the Government of Northwest Territories and various Indigenous governments, formalized government to government relationships and allowed the further development of agreements or other

arrangements for cooperative and coordinated management of lands and resources, recognizing the rights, titles, jurisdiction and authority of each party.

- In 2013, Newfoundland and Labrador released its Aboriginal Consultation Policy supporting and encouraging sustainable economic development and ensuring that Indigenous governments and organizations with asserted rights are given opportunity to raise any potential adverse impacts on those rights from developmental activities.
- In 2010, Saskatchewan instituted the First Nation and Métis Consultation Policy Framework providing direction to all provincial government ministries, Crown corporations, and agencies. In 2012, a Legislative Renewal Committee with First Nations and Métis membership was established to facilitate collaboration, engagement and communication of the legislative review process with First Nations and Métis.
- Ontario has incorporated specific provisions respecting consultation with Indigenous peoples into key pieces of legislation such as the 2011 *Far North Act*, the 2009 *Green Energy Act* and the 2009 *Mining Act* amendments.
- In 2009, Manitobe's Interim Provincial Policy on Crown Consultation with First Nations, Metis Communities and Other Indigenous Communities came into effect. One of the objectives of this policy is to advance the process of reconciliation.
- In 2008, Quebec developed the Interim Guide for Consulting the Indigenous Communities, which provides guidelines that operationalize the government's constitutional duty to consult.
- The Government of Nunavut has specific consultation obligations to consult with Inuit under the Nunavut Land Claims Agreement. All land management and natural resource issues go through the proscribed process. All major legislation, policies and programs created by the government go through multiple levels of consultation from design to implementation.

Aboriginal title and land claims

159. Since 1973, Canada and its negotiation partners have signed 26 comprehensive land claims and four self-government agreements. These settlements have provided Indigenous ownership over 600,000 km² of land; capital transfers of over $3.2 billion; access to resource development opportunities; participation in land and resources management decisions; certainty with respect to Aboriginal land rights in approximately 40% of Canada's land mass; and associated self-government rights and political recognition.

Crown-Indigenous relationships

160. Preceding centuries of events and demographic, geographical, and legal influences have resulted in distinct legal and policy frameworks and unique Crown-Indigenous relationships. Section 35 of the *Constitution Act (1982)* and the *Indian Act* are the touchstones of Crown-Indigenous relationships: the former recognizes and affirms existing Aboriginal and treaty rights and the latter exercises federal jurisdiction over Indians and lands reserved for Indians.

161. In 2014, the Supreme Court of Canada made a landmark decision in the case of *Tsilhqot'in Nation v. British Columbia*, [2014] 2 S.C.R. 256. The Court made the first declaration of Aboriginal title to a specific parcel of land in Canada, finding that the Tsilhqot'in Nation have title to approximately 1750 square kilometers of land in British Columbia. The Court confirmed that the general requirements for establishing Aboriginal title are: (1) sufficient occupation of the land claimed at the time of assertion of European

sovereignty; (2) continuity of occupation where present occupation is relied on as proof of occupation pre-sovereignty; and (3) exclusive historic occupation.

162. The Court further considered the Crown's duty to consult under s. 35 of the *Constitution Act, 1982*. The Court confirmed that where Aboriginal title is asserted, but has not yet been established, s. 35 requires the Crown to consult with the claimant group and, if appropriate, accommodate its interests. The required level of consultation and accommodation increases with the strength of the claim for title, and for particularly strong claims, the Crown must take care to preserve the Aboriginal interest before the claim is resolved. The Court further found that once Aboriginal title is established, s. 35 permits incursions on it only with the consent of the title holder or where justified by a compelling and substantial public purpose and not otherwise inconsistent with the Crown's fiduciary duty to the Indigenous group.

Specific Claims Tribunal

163. Specific claims are First Nations claims' against the Government of Canada regarding the administration of land and other First Nation assets and the fulfilment of pre-1975 Treaties.

164. In 2008, the Specific Claims Tribunal was established as an independent adjudicative body under the *Specific Claims Tribunal Act*, with the authority to make binding decisions in respect to the validity of specific claims and to make monetary compensation awards up to a maximum of $150 million.

165. In accordance with the Act, a five-year review of the mandate, structure, and efficiency and effectiveness of operations of the Specific Claims Tribunal was undertaken in 2014-2015. In 2015, a Minister's special representative received input from various First Nations, Indigenous Representative Organizations and other interested parties, to seek views on mandate, structure and the operation of the Tribunal. The Minister of INAC will report to Parliament on the review.

Treaty Commissions

166. The British Columbia Treaty Commission was established in 1992 by agreement among the governments of Canada and British Columbia and the First Nations Summit, the political organization that represents First Nations as a principal to the treaty process. It oversees modern treaty negotiations in the province, is responsible for the allocation of negotiation support funding to First Nations and provides public information and education about the British Columbia treaty process.

167. The Office of the Treaty Commissioner in Saskatchewan and the Treaty Relations Commission of Manitoba have a pre-1975 treaty focus and are arm's length organizations mandated to facilitate discussions to reach common understandings on treaty issues, to undertake treaty research and public education and awareness activities and to develop partnerships between the treaty parties and other key stakeholders to support reconciliation and strengthen the treaty relationship. There has been growing interest in additional pre-1975 treaty commissions and enhanced roles for existing treaty commissions. Discussions with treaty partners have been ongoing.

V. Justice

168. This section focusses on Concluding Observations 11, 12 and 21. It includes information on the prevention of racial discrimination in the criminal justice system, on measures to reduce the rate of incarceration of Indigenous people and on measures facilitating access to justice.

Prevention of racial discrimination in the criminal justice system

169. Regarding Concluding Observation 11, governments in Canada have put in place many measures to ensure that the criminal justice system is free of bias.

Bias-free policing

170. The Canadian national police service, the RCMP, has a clear policy on bias-free policing, and consistently aims to provide equitable policing services to all persons while respecting diversity.

171. Under Ontario's Officer Code of Conduct Regulation, it is an offence for a police officer to engage in any sort of racist or discriminatory behavior. The Adequacy and Effectiveness of Police Services Regulation also requires a police services board to have a policy on investigations into hate/bias motivated crime.

172. In 2015, Ontario posted a Draft Regulation on Carding and Street Checks for public input that will establish clear and consistent rules to protect civil liberties during voluntary police-public interactions where police are seeking to collect identifying information, ensuring that they are conducted without bias or discrimination, and done in a manner that promotes public confidence and keeps communities safe. The regulation reflects input and feedback received by policing, civil liberties, privacy and community organizations, and by ethnic and cultural groups. Once in force, it will be mandatory for every police service in Ontario.

173. Since 2005, Quebec has established a police sector committee on racial profiling and is coordinating the implementation of measures to prevent discrimination and racial profiling within police organizations. Currently, the committee is designing an operationalization guide for prevention, detection and intervention with respect to racial and social profiling.

174. Further, as part of the measures established by its Diversity: An Added Value action plan, the programs at Quebec's police school have integrated components on racial profiling and intervention in the context of ethnocultural diversity, and the guide of police practices was revised to include a statement on addressing racism and discrimination.

175. In response to recommendations from the 2012 Missing Women Commission of Inquiry, the *British* Columbia *Police Act* was amended to make possible the creation of binding provincial policing standards on the promotion of unbiased policing in British Columbia. Such standards are presently under consideration.

Training on the principles of the Convention

Training of prosecutors

176. The Public Prosecution Service of Canada provides cultural sensitivity and awareness training for its prosecutors, and especially for those prosecutors who regularly deal with Indigenous offenders. For example, in 2013, the Nunavut Regional Office developed an internal online Inuit Awareness program designed to introduce prosecutors

who work and live in Nunavut to the many dimensions of legal practice in Nunavut and how the law in Nunavut is influenced in many ways by Inuit perspectives and culture.

177. Federal public prosecutors also are trained to consider an accused's motivation when deciding whether to initiate and conduct a prosecution, and in particular any bias, prejudice or hate based on race, national or ethnic origin, language, religion, gender, age, mental or physical disability, sexual orientation, or any other similar factors. At the same time, prosecutors are taught to ensure that decisions to prosecute must not be influenced by the race, national or ethnic origin, colour, religion, sex, sexual orientation, political associations, activities or beliefs of the accused or any other person involved in the investigation.

178. In 2014, the Director of Criminal and Penal Prosecutions with Quebec's Department of Justice organized a training session for prosecutors with a view to raising awareness about domestic violence and Indigenous realities.

Training of judges

179. Following Canada's appearance before the Committee in 2012, the Government of Canada shared the Committee's recommendations with the National Judicial Institute, which is primarily responsible for co-ordinating judicial education in Canada. The Institute is jointly funded by federal, provincial and territorial governments, but is an independent corporation managed by a Board of Governors and chaired by the Chief Justice of the Supreme Court of Canada.

180. The Institute places a strong emphasis on sensitivity programs relevant to the implementation of the Convention. Indigenous issues, racial and cultural considerations, and inter-cultural communications have been identified as areas that deserve particular attention in judicial education. These topics have been included in numerous substantive law seminars, such as national programs on Indigenous Law, Criminal Law, the *Canadian Charter of Rights and Freedoms*, and the Law of Evidence, which are typically offered on an annual or bi-annual basis. In addition, every two to three years, a national course on Indigenous considerations is developed that focuses on regional issues or on an over-arching topic. For example, in 2013 a full conference was devoted to Indigenous issues arising in Canada's Prairie Provinces. The Institute also assists with court-based programs provided to all federally appointed judges. Each court offers one to two training sessions per year, many of which address cultural sensitivity and equality rights.

181. Every year, the Ontario Judicial Council approves the continuing education plan for provincial judges, which provides each judge with an opportunity of having approximately ten days of continuing education per calendar year dealing with a wide variety of topics, including substantive law, evidence, the *Canadian Charter of Rights and freedom*, skills training and social context.

Training of lawyers and judicial stakeholders

182. Governments have been focusing significant efforts on deepening knowledge of Canada's international human rights commitments, including of the provisions of the Convention, among public servants and strengthening their capacity to consider Canada's obligations in their work. For example, in 2014 the Department of Justice Canada developed a course for Government lawyers on Equality and Non-Discrimination Rights in International Human Rights Law, through which Government lawyers can deepen their knowledge of Canada's obligations with respect to equality and non-discrimination, including its obligations under the Convention.

183. Work is underway in Quebec to include measures for awareness training to prosecutors, justice officials and administrative staff of the courts on the various cultural realities in the new Policy on Immigration, Participation and Inclusion.

184. In 2014, through the Crime Victims Assistance Centre, professionals and lawyers from the Quebec Department of Justice and the Director of Criminal and Penal Prosecutions attended a one-day awareness-raising workshop on Indigenous myths and realities.

185. In Ontario, conferences and seminars are organized by the Ministry of the Attorney General, the Ontario Crown Attorneys Association and the Association of Law Officers of the Crown on human rights principles and cases as part of continuing education programs.

186. Northwest Territories lawyers employed by the territorial government participate in Indigenous Cultural Awareness Training.

Police training

187. The RCMP Cadet Training Program includes extensive curriculum designed to inform cadets of concepts relevant to racial discrimination and hate crimes, as defined respectively by the Canadian *Human Rights Act* and *Criminal Code*. This curriculum is supported by additional training in ethics and bias-free policing. The RCMP has delivered unconscious bias training to officers and executives to develop an awareness of possible cultural or gender biases.

188. RCMP officers transferred to the Northwest Territories participate in a community orientation program upon arrival to increase communications and cross-cultural understanding. This allows police officer to be better engaged when meeting and working with community residents, including Elders, in their homes, in the community, or at formal gatherings.

189. Quebec's police techniques training program offers training on how to interact with clients who belong to various cultural and ethnic communities; interpret the ways individuals think and act based on their cultural or ethnic background; recognize signs of intolerance towards these individuals; and assess their ability to connect with them.

190. The initial training program on police patrolling at the Quebec National Police Academy includes training on the concepts of social and racial profiling, and is based on legal precedent, while allowing the aspiring police officer to identify contexts in which he or she would be at risk of unlawful profiling, and ways of preventing profiling.

191. Furthermore, several police forces across Quebec have a directive on racial profiling, which is often presented to all police officers in the form of a training session.

192. The Ontario Police College develops the Basic Constable Training, which all police recruits in Ontario take after they are hired by a police service. Some of the courses relate to diversity and professional practice and include: Introduction to Diversity and Professional Practice; Policing in Changing Demographics and Hate Crimes; and Aboriginal Awareness and Integrated Simulations.

193. Ontario Provincial Police recruit training includes a review of a section of policy on police and motorist relations that contains language stating that illegal profiling is not permitted and shall not be tolerated in any respect. In courses being offered, the prohibition on illegal profiling is reinforced through vehicle stop scenarios and discussions on human rights legislation.

African Canadians in the criminal justice system

194. Race, ethnicity or visible minority status of accused and offenders is not collected nationally; therefore, the number of African Canadians who are involved in the Canadian criminal justice system is not known. The closest proxy is the federal correctional system, for offenders serving a correctional sentence of two or more years. In 2012-2013, 8.9% of federal offenders self-reported as Black,[2] while according to the 2011 National Household Survey, African Canadians made up only 2.9% of the population. Between 2008-2009 and 2012-2013, the number of Black offenders in the federal correctional system increased by 1.5% while the increase in the general Canadian population from 2006 to 2011 was 0.4%. In 2011-2012, most federal Black offenders were male (96%), young (under age 30) (50%), and incarcerated for a violent offence (50%).[3]

Treatment of African Canadians in the criminal justice system

195. In 2012-2013, the Office of the Correctional Investigator, which serves as an ombudsman for federally sentenced offenders, conducted a review of the experiences and outcomes of African Canadian inmates in federal custody. Findings of this review can be found in *A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries*[4] and the Correctional Investigator's recommendations can be found in his 2012-2013 Annual Report.[5] The Government of Canada responded to the recommendations[6] and continues to take them into consideration such as in the current revision process of its directive on Ethnocultural Offenders: Services and Interventions.

196. The federal government continues to deliver ethnocultural specific services and interventions for offenders; provide cross-cultural training to staff across the country; has dedicated national and regional ethnocultural services positions; and, is working with ethnocultural advisory committees. The government is currently developing an Ethnocultural Offenders National Strategy to enhance its capacities to provide effective services, programs, and interventions that address the needs of ethnocultural offenders and contribute to their successful reintegration.

Incarceration of Indigenous peoples

197. In its Concluding Observation 12, the Committee expressed concerns regarding by the high rate of incarceration of Indigenous people, including Indigenous women, in Canada. Governments in Canada are undertaking various measures to address this issue and providing specific programs to divert Indigenous offenders from the criminal justice system where appropriate.

198. While Indigenous people represent approximately 3% of Canada's adult population in 2013-2014, 24% of admissions in provincial and territorial sentenced custody and 20% of those in federal sentenced custody were Indigenous.

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[2] Corrections and Conditional Release Statistical Overview, 2013 Annual Report, Public Safety Canada.

[3] A Case Study of Diversity in Corrections: The Black Inmate Experience in Federal Penitentiaries, see www.oci-bec.gc.ca/cnt/rpt/pdf/oth-aut/oth-aut20131126-eng.pdf.

[4] Ibid.

[5] Annual Report of the Office of the Correctional Investigator 2012-2013, see www.oci-bec.gc.ca/cnt/rpt/pdf/annrpt/annrpt20122013-eng.pdf.

[6] See: www.csc-scc.gc.ca/publications/005007-2802-eng.shtml.

Alternatives to imprisonment

199. Canada's *Criminal Code* provides courts with a spectrum of sanctions that can be imposed in furtherance of the fundamental purpose and principles of sentencing. Other than imprisonment, courts may impose: conditional or absolute discharges; probation orders; intermittent sentences, fines, or restitution; or conditional sentences of imprisonment. Conditional sentences of imprisonment are sentences of imprisonment of less than 2 years that may be served in the community.

200. In determining a proportionate sentence, courts must take into account sentencing principles described in the *Criminal Code*, including the principle of restraint in the use of imprisonment which directs courts to consider for all offenders all available sanctions other than imprisonment that are reasonable in the circumstances, with particular attention to the circumstances of Indigenous offenders, as set out in section 718.2(e). In the case of *R. v. Gladue*,[7] the Supreme Court of Canada recognized the importance of this principle and concluded that applying it does not give preferential treatment to Indigenous offenders, but seeks to treat them fairly by recognizing that their circumstances are different. It requires judges to consider the extent to which background and systemic factors unique to Indigenous offenders have played a part in bringing them before the Court, and to consider restorative approaches that take into account their Indigenous heritage or connection.

201. The Supreme Court of Canada recently re-considered the principle of restraint with respect to Indigenous offenders in *R. v. Ipeelee* (2012). It held that section 718.2(e) of the *Criminal Code* must be applied to the sentencing of all Indigenous offenders, including those convicted of serious offences. The Court held that, absent a waiver by the Indigenous offender, failure to apply section 718.2(e) would be a legal error that "would also result in a sentence that was not fit and was not consistent with the fundamental principle of proportionality."[8] The Court held that the information revealed pursuant to section 718.2(e) is essential to contextualize the crimes committed by Indigenous offenders. It is anticipated that the Ipeelee decision will reduce the number of incarcerated Indigenous persons.

202. In 2015, Quebec's Department of Justice established an administrative procedure to ensure compliance with the obligations set out by the Supreme Court in the Gladue and Ipeelee decisions. This procedure summarizes the various steps in the processing of a case, from the court order to the tabling of the report by the organization responsible for the payment of fees. It includes the obligations and responsibilities of each stakeholder affected by the drafting of a Gladue report.[9]

203. In Quebec, the court can also order the drafting of a pre-sentencing report (PSR) concerning an Indigenous offender (PSR Indigenous component) from the Ministry of Public Security's correctional services. Available since 2015, this PSR is an adapted version of the PSR that is normally drafted. It aims to inform the court about the circumstances of Indigenous offenders under the sentencing and to promote the application of section 718.2(e) of the *Criminal Code*. The adapted PSR considers the historical and systemic factors specific to the Indigenous reality of the person with a direct or indirect impact on the analysis of the situation where they are in conflict with the law as well as the evaluation of the person's reintegration potential. The adapted PSR emphasizes reintegration measures that take into account the Indigenous culture and attachments of the offender. Probation officers received training specifically on the PSR adapted to the

[7] *R. v. Gladue*, [1999] 1 S.C.R. 688.

[8] *R. v. Ipeelee*, 2012 SCC 13 at para. 87, online: http://canlii.ca/t/fqq00.

[9] A Gladue report is a form of pre-sentence report tailored to the specific circumstances of Indigenous offenders: see www.provincialcourt.bc.ca/about-the-court/fnq.

specificities of Indigenous clients and a guide for the evaluation of indigenous people in a pre-sentencing context was available to them.

204. Since the 1999 Gladue decision, probation officers in British Columbia prepare a pre-sentence report that includes a section entitled "Sentencing considerations for Indigenous offenders." This section is guided in content by policy in an effort to be responsive to the sentencing principles for Indigenous offenders. To form the content of the pre-sentencing report, probation officers work with Aboriginal Justice Strategy workers and Aboriginal courtworkers to make recommendations to the court for the Indigenous offender to serve a sentence in the community where appropriate.

205. Alberta has a cadre of community-based writers that provide Gladue reports to the Court of Queen's Bench and Provincial Court.

206. The Government of Prince Edward Island has recently launched a one year pilot program to contract with the Mi'kmaq Confederacy of PEI to provide Gladue reports.

207. In 2014, Ontario approved a pre-sentence report policy, which includes specific direction to probation and parole officers to research the unique circumstances arising from or specific to Indigenous heritage and reference them in Indigenous offenders' reports. Judges use the reports to consider all available sanctions other than imprisonment that are reasonable, with particular attention to the circumstances of Indigenous offenders. Between July 2013 and June 2015, Ontario courts ordered 1,494 pre-sentence reports for offenders who identified themselves as Indigenous.

Aboriginal Justice Strategy

208. The Aboriginal Justice Strategy (AJS) supports innovative culturally-relevant justice programs aimed at reducing rates of crime, victimization and incarceration among Indigenous people. The AJS now funds approximately 275 programs that reach over 800 urban, rural, and Northern communities, both on and off-reserve.

209. Working in collaboration with provincial and territorial governments and in partnership with Indigenous communities across Canada, the AJS is helping Indigenous people assume greater responsibility for the administration of justice in their communities in an effort to reduce rates of crime, victimization and incarceration. Recent examples include:

- The Miapukek First Nation in Newfoundland and Labrador delivers a Healing and Sentencing Program in their community.
- The Mi'kmaq Confederacy of Prince Edward Island provides an Aboriginal Justice Program to all Indigenous people on the island. In addition, the Confederacy has also successfully obtained AJS capacity-building funds to organize an Atlantic Region Circle Keepers training.
- The AJS operates in 34 communities in British Columbia and provides community-based services that range from court diversion to the re-integration of offenders returning from custody centres.
- Thirty Community Justice Committees operate throughout the Northwest Territories allowing Indigenous communities to play a greater role in the local administration of justice by providing timely and effective alternatives to the mainstream justice process, where appropriate.
- New Brunswick is placing greater emphasis on community-based sanctions through conditional sentences, probation orders and, in the near future, electronic monitoring to reduce the use of incarceration and continues to support First Nations applications to the AJS.

210. A recent recidivism study points to decreasing rates of re-offending among persons participating in AJS funded programs. Offenders that participate in these programs are 90% less likely to re-offend in the year following program completion, and 68% of participants had not re-offended 8 years after completing them. These lower rates of re-offending contribute to reducing crime and incarceration rates in communities with access to these programs.

Other measures

211. In 2001, Quebec established an alternatives program for Indigenous communities in places where justice committees are active. This program is the responsibility of the Director of Criminal and Penal Prosecutions (DPCP) and is subject to the conclusion of an agreement between the DPCP and a justice committee. This program has been completely revised and adapted to current Indigenous reality. It promotes greater participation of Indigenous communities in solving social problems within their milieu.

212. In 2007, Ontario began pre-charge screening relating to criminal investigations involving offenders from remote Indigenous communities. Crown counsel are available to officers from designated local police forces for advice regarding appropriate charges in non-custodial matters, diversion, and for direction in the completion of Crown briefs. Each location has developed its own local framework and protocol with the police for dealing with charges, procedures, diversions, and training. The objectives of the project are to reduce the number of unnecessary charges, increase the number of diversions, improve the quality of Crown briefs and readiness for trial, facilitate early resolutions, improve communication with the police working in remote First Nations communities, and provide training to police to improve understanding of charging practices and viability of charges.

213. In addition to these pre-charge screening, bail consultations have also been carried out in certain communities by the charge screening Crown counsel who works with police to formulate release plans and explore sureties while the accused persons are still in their community. Since inception, substantial numbers of accused persons have been released as a result of consultation, rather than being remanded in custody to be brought to bail court.

214. In Saskatchewan, in accordance with section 717(1), about 2,700 adult alternative measures cases are referred annually by police and Crown prosecutors and handled by non-profits and Indigenous organizations. Over 80% of the cases reach an agreement about how the offender will resolve the matter, and over 90% of agreements are completed successfully.

215. Nova Scotia, through its work with the Mi'kmaw Legal Support Network, which is fully endorsed by the 13 First Nations Chiefs in Nova Scotia, supports a robust restorative justice model which allows for a broad range of offences to be dealt with outside the traditional court process, through a restorative justice process run by and for Indigenous peoples.

216. The Northwest Territories' diversion program continues to be important for many Community Justice Committees. Between April 2014 and March 2015, 311 cases were diverted from the formal criminal justice system.

217. In Nunavut, diversions are awarded by judges where appropriate and when available. There are Community Justice Committees in many of Nunavut's communities that emphasize crime prevention and healing at the community level in order to shift reliance away from formal charges, court appearances and incarceration.

218. Newfoundland and Labrador's Child Youth and Family Services operate an Extra-Judicial Sanction program for youth through community members. This is not indigenous specific, however inclusive of Indigenous youth.

Training

Judges

219. Following Canada's appearance before the Committee in 2012, the Government of Canada shared the Committee's recommendations with the National Judicial Institute (NJI), which has primary responsibility for coordinating judicial education in Canada, highlighting the Committee's recommendation that Canada train its prosecutors, judges, lawyers and police officers on subsections 717(1), 718.2(e) and 742.1 of the *Criminal Code*.

220. Sentencing principles for Indigenous offenders are featured in many of the NJI's programs, including a six-day annual program offered to new judges. Supplementing the more traditional instructor-led programming is a library of electronic bench books that the NJI has created in collaboration with judges and academics. These electronic resources include materials on sentencing principles, Indigenous law and human rights.

221. Manitoba's Provincial Court judges have included these provisions of the *Criminal Code* as a topic of their annual education sessions, and their 2014 educational program included a presentation on the *Ipeelee* and *Gladue* decisions.

Prosecutors and lawyers

222. The Public Prosecution Service of Canada (PPSC) provides ongoing training to its prosecutors on alternative sentencing principles for Indigenous offenders and to ensure that they are conscious, aware and knowledgeable of restorative justice trends in different parts of the country. Many training and educational opportunities on community justice or restorative justice initiatives have been made available. The PPSC's northern offices, where Indigenous populations are the largest, have taken special steps to ensure that prosecutors are knowledgeable of this area of the law.

223. The Ontario Crown Attorneys Association, in conjunction with the Ministry of the Attorney General, organizes annual education courses for Ontario prosecutors (running about 5 days in length). Two relevant courses are the Sentencing and Aboriginal Justice courses. The Sentencing course covers general sentencing principles. The Aboriginal Justice course discusses the application of *R. v. Gladue* to the daily work of a prosecutor, which includes consideration of all alternatives to custody (i.e. s. 717(1)), as well as s. 718.2(e) and its relationship with the other sentencing provisions in the *Criminal Code*.

224. Prince Edward Island's Aboriginal Justice Program hosts an annual Aboriginal Justice Forum which brings together justice officials, members of the judiciary, law enforcement, crown attorneys, legal aid attorneys, correctional services staff and leaders of the Indigenous community. In 2015, the 9th annual forum explored the significance and impact of the *Gladue* and *Ipeelee* decisions and how they can be applied in the administration of justice, and how Gladue Reports are prepared and their role in a restorative justice model.

Police

225. Alternative Measures, Restorative Justice and Community Justice Forums are integrated into the RCMP Cadet Training Program at various points throughout the curriculum, and Section 718(2) concepts are discussed. Community consultative groups, the *Youth Criminal Justice Act* and response options for Community Justice Forums, extrajudicial measures, and current diversionary or alternative measures are also taught.

Access to justice

226. The following information is meant to update and complement the detailed information already provided in response to Concluding Observation 21 in the 2014 Interim Report on Access to justice, in paragraphs 247-275.

227. Access to Justice continues to be a priority area of cooperation for F-P/T governments. The Government of Canada, together with the governments of Alberta and British Columbia, has participated actively in the work of the National Action Committee on Access to Justice in Civil and Family Matters, which published its final report entitled *Access to Civil & Family Justice: A Roadmap for Change*[10] in 2013. The report suggests concrete measures for facilitating access to justice in Canada, recognizing that Justice-related services must be responsive to Canada's culturally-diverse population. The report stresses the need to focus on marginalized groups and communities, including immigrants and Indigenous populations. As a result of the work of the National Action Committee, most provinces and territories are working towards establishing local access to justice bodies.

228. Canadian governments continue to work on the development of an access to justice framework on family, civil and administrative law. In 2014, F-P/T Ministers Responsible for Justice and Public Safety engaged in a discussion around access to justice priorities, and agreed to support efforts to facilitate greater F-P/T collaboration and information-sharing on access to justice priorities.

229. In 2014, Ontario created a new Aboriginal Justice Division within its Ministry of the Attorney General and this division is now leading the development of new programs and services to support Indigenous people in the justice system.

230. British Columbia's Legal Services Society has recently updated their web presence to anyone who self identifies as Indigenous. The website outlines rights held by Indigenous people as well as benefits and services that are available to them. In addition, Indigenous Community Legal Workers continue to be available to provide direct service in the form of information and advice.

231. Legal Aid Manitoba contracts with an interpretation service that provides real time interpretation of over 110 languages and dialects including all of the Indigenous languages spoken in Manitoba as well as Arabic and several African languages. This service is available 24/7 and is used for Brydges on-call to speak to a lawyer, the intake of applications and certificate work.

Court Challenges Program

232. In 2015, the Government of Canada announced that it would update and reinstate a court challenges program.

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[10] www.cfcj-fcjc.org/sites/default/files/docs/2013/AC_Report_English_Final.pdf.